

**U.S. Department of Justice**  
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Richmond, VA 23219  
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Kimberly.M.Anderson@usdoj.gov

January 7, 2005

**Re:    *United States v. Clyde E. Austin, Sr., Lamont C. Knight, Thomas W. Hofler, Jr.  
and Richard A. Hertz, Sr.***  
***USAO Number: 1999R00933***  
***Court Docket Numbers: 04-4631, 04-4441, 04-4442, 04-4443***

Dear Sir or Madam:

This letter is a follow-up to our letter to you dated September 14, 2004.

Our office takes very seriously our responsibilities to protect your rights as a victim of crime. For this reason, I write to inform you that, on October 30, 2004, President Bush signed the Justice for All Act of 2004. The Act is very similar to the victim witness assistance guidelines the Department of Justice has had in place since 2000.

The Justice for All Act of 2004 can be found at Section 3771 of Title 18 of the United States Code and provides crime victims with the following rights:

1.     The right to be reasonably protected from the accused.
2.     The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of a release or escape of the accused.
3.     The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
4.     The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.
5.     The reasonable right to confer with the attorney for the Government in the case.
6.     The right to full and timely restitution as provided in the law.
7.     The right to proceedings free from unreasonable delay.
8.     The right to be treated with fairness and with respect for the victim's dignity and privacy.

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Section 3771(c)(2) requires that we advise you that you have the right to retain counsel. Although the Act specifically sets forth your right to seek advice of an attorney with regard to your rights under the Act, there is no requirement that you retain counsel. The Government cannot advise you about specific counsel, nor can the Government (or the Court) pay for counsel to represent you. Government attorneys represent the United States.

The right to counsel under the Justice for All Act of 2004 is specific to your rights under the Act and is different from counsel you may currently have, or have had, representing your interests in other issues connected to your case, for example, any civil action you may have filed against the defendant(s) in this case.

Government attorneys and their non-lawyer assistants (federal law enforcement agents and victim/witness coordinators) are bound by long established professional responsibilities from communicating with a represented party. If you elect to retain counsel to represent your interest in enforcement of your rights, you become a represented party and we will not be able to communicate with you directly; instead, we will be required to communicate with your attorney.

If you elect to obtain counsel to represent your interests in accordance with the Justice for All Act of 2004, please have your attorney advise the Government in writing, mailed to:

Kim Anderson  
Victim/Witness Specialist  
600 East Main Street  
Suite 1800  
Richmond, Virginia 23219

Thereafter, all further communications from the Government will be to your counsel directly.

If you elect not to retain counsel to represent your interests, you do not need to do anything. We will, of course, continue to update you directly on events involving your case.

**Clyde Austin**

We would like to inform you that on December 1, 2004, Clyde Austin filed a Motion to Dismiss the appeal he filed with the United States Court of Appeals for the Fourth Circuit on August 17, 2004. On December 8, 2004, the United States Court of Appeals for the Fourth Circuit dismissed Austin's appeal. Therefore, Austin's conviction stands and he must serve his sentence as outlined in our letter to you dated September 14, 2004.

**Lamont C. Knight, Thomas W. Hofler, Jr. and Richard A. Hertz, Sr.**

The appeals for Lamont C. Knight, Thomas W. Hofler, Jr. and Richard A. Hertz, Sr. are still pending. If you have any questions, please feel free to contact me directly. We will update this website once additional information is available.

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The Victim Notification System (VNS) is designed to provide you with information regarding the case as it proceeds through the criminal justice system. You may use your Victim Identification Number (VIN) and Personal Identification Number (PIN), which have been assigned to you to telephone the VNS Call Center (1-866-DOJ-4YOU\*) or (1-866-365-4968\*), TDD/TTY users call 1-866-228-4619, and obtain the current status of the case. In addition, you may call the toll-free number and speak with an operator to update your contact information and/or change your decision about participation in the notification program. If you have misplaced your VIN and PIN, please contact me directly.

*If your address and/or telephone number changes, please inform us of these changes at your earliest convenience.*

*Because of the large number of victims in this case, please check the website before calling me if you have any questions. If the site does not answer your questions, you may call me toll-free at (800) 221-6540, on my direct line at (804) 819-7429 or you may feel free to email me at: [Kimberly.M.Anderson@usdoj.gov](mailto:Kimberly.M.Anderson@usdoj.gov).*

Sincerely,

PAUL J. MCNULTY  
UNITED STATES ATTORNEY

By:

\_\_\_\_\_  
Kimberly M. Anderson  
Victim/Witness Specialist

\*For international callers, 1-502-213-2767.